

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS



June 13, 2012

BY HAND DELIVERY

The Honorable Phil Mendelson
Chairman, Committee on Public Safety and the Judiciary
1350 Pennsylvania Avenue, NW
Washington, DC 20004

CONFIDENTIAL

Dear Councilmember Mendelson:

We write to express our deep reservations about Chief Judge Mary Oates-Walker of the Office of Administrative Hearings (OAH) following an ABC News report that our agency's relocation logistics contract went to a company owned by the husband of our General Counsel, Kiyo Oden. The resulting appearance of impropriety is especially concerning because Ms. Oden is a friend of the Chief Judge, and the Chief Judge has testified repeatedly in oversight hearings that she (the Chief) supervised the entire relocation project, which, according to ABC News, was not competitively bid. Hiring a friend to fill the General Counsel position is questionable to begin with, and supervising a no-bid relocation project that stands to benefit the General Counsel deserves vigorous scrutiny. We understand that Mayor Gray has referred the relocation contract controversy to the Inspector General, and we will cooperate fully with the ensuing investigation.

We believe that as tenured judges it is important for us to speak now to protect the integrity of OAH. The public expects its courts to be impartial and above even the appearance of impropriety. We agree, and we are unaware of any other court system in the metropolitan area being caught up in such a controversy. Prior to assuming our positions, the Chief Judge and each Administrative Law Judge took an oath of office to preserve and protect, among other things, this institution. We write in furtherance of this oath.

We also stress that the contract issues currently under investigation are one of many troubling actions by the Chief Judge that have made it much harder for the Administrative Law Judges and support staff to do their jobs. The following areas of concern deserve special attention:


1. The Chief makes policy decisions in secret, with assistance from a favored inner circle of management judges who have few, if any, docket responsibilities of their own. This lack of transparency means the line judges with full case loads have no say about key policies that impact the orderly administration of their dockets, and they must waste scarce judicial resources working around poor management decisions that could have (and should have) been avoided through open, above-board discussions.


2. The Chief's treatment of support staff is unprofessional, erratic, and at times demeaning. She and her inner circle have fired a cancer patient the day before scheduled surgery. They also abruptly fire staff for no specified reasons and escort them off the premises with armed security. Such practices have created a chilled work environment that is unduly stressful, demeaning, and counterproductive to overall operations.
3. The Chief has not heard a single case and she has authored no decisions, points that ABC News underscored in a report aired yesterday evening.
4. The Chief has been unwilling or unable to retain seasoned, experienced professionals for key management positions. Three Executive Directors have quit or resigned. A judge is currently acting as the Clerk of the Court. And the agency's recently hired fourth Executive Director, like our General Counsel, appears to be another friend of the Chief without any discernible *bona fides* for the position.

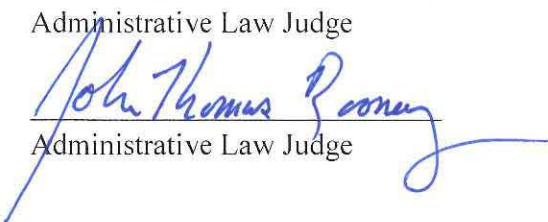
Remarkably, the lack of transparency, predictability, and competence at the highest levels of the formal command structure has not thus far stopped the agency from fulfilling its core mission of providing fair hearings to the litigants it serves. This is a testament to the work ethic, talent, and commitment of the line judges and support staff who, despite poor management, continue to perform the public services entrusted to them by the citizens of the District of Columbia. The taxpayers deserve no less, and the Administrative Law Judges and staff will continue doing their best to deliver quality service commensurate with their positions of public trust.

In the meantime, we commend the Mayor for referring the relocation contract issues to the Inspector General, and we hope the D.C. Council will do its part to help investigate and correct any potential wrongdoing that stands in the way of the fair and efficient operation of the Office of Administrative Hearings.

Sincerely,


Administrative Law Judge

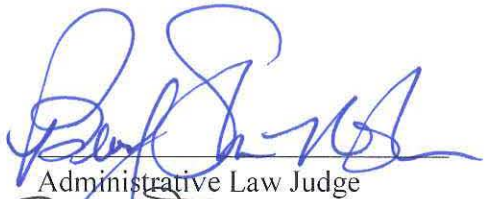

Administrative Law Judge

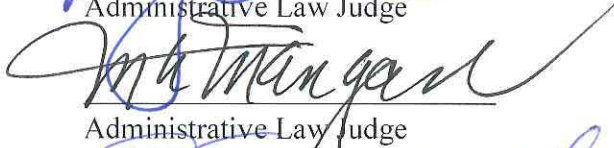

Administrative Law Judge

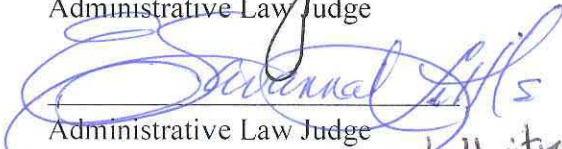

Administrative Law Judge

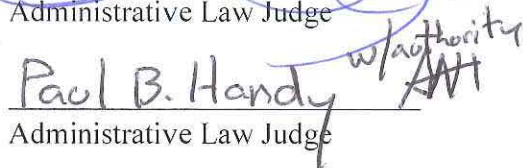

Administrative Law Judge


Administrative Law Judge


Administrative Law Judge

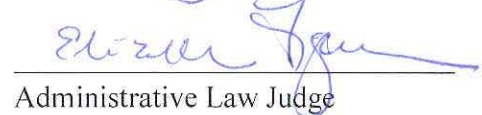

Administrative Law Judge


Administrative Law Judge


Administrative Law Judge


Administrative Law Judge


Administrative Law Judge


Administrative Law Judge


Administrative Law Judge


Administrative Law Judge

cc: The Honorable Vincent Gray
The Commission on Selection and Tenure of Administrative Law Judges
Chief Judge Mary Oates-Walker